

Attn: United States District Court
Office of the Clerk #2300
One Courthouse Way
Boston Ma 02210

Re. Juan C. Villar Sanchez
P.C.C.F. #134
26 Long Pond Road
Plymouth, Ma 02360

04-11811-NMG

~~Amended 8-11-05~~
amended 8-11-05

Dear Clerks Office,

Please at the earliest convenience file and
docket the petitioners Motion filed under the following
Title 42 U.S.C.A. 2254. In accordance the
petitioner has executed form CO-340. Respectfully,
please find said motion to be in filing order.
Thank you for your time and assistance.

Thank you for your time and consideration in this matter.

I remain,

cc/U.S.D.C. Rm 2300
Bos. Fed.

Respectfully,
X-Pw Juan C. Villar Sanchez
Juan C. Villar Sanchez
Sen Sports - Rio de

JS 44
(Rev. 12/96)**CIVIL COVER SHEET**

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS*Juan Villar-Sanchez*

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF

(EXCEPT IN U.S. PLAINTIFF CASES)

*Plymouth***DEFENDANTS***Department of Correction,
Commissioner K. Denny
Commonwealth of Massachusetts*

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT

(IN U.S. PLAINTIFF CASES ONLY)

50 Maple St. North

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

*Pro-Se
Juan Villar Sanchez*

ATTORNEYS (IF KNOWN) --

II. BASIS OF JURISDICTION

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☒ Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|---------------------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input checked="" type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

V. NATURE OF SUIT

(PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 161 Medicare Act <input type="checkbox"/> 162 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 163 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 166 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 881 Agricultural Acts <input type="checkbox"/> 882 Economic Stabilization Act <input type="checkbox"/> 883 Environmental Matters <input type="checkbox"/> 884 Energy Allocation Act <input type="checkbox"/> 885 Freedom of Information Act <input type="checkbox"/> 890 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 990 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 446 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input checked="" type="checkbox"/> HABEAS CORPUS: <input checked="" type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

VI. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

Title 42 U.S.C. § 2254 - illegal incarceration - based on false conviction
X - Juan Villar Sanchez

VII. REQUESTED IN COMPLAINT:CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 ☐

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND:

☐ YES ☒ NO**VIII. RELATED CASE(S) (See instructions): IF ANY**

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. TITLE OF CASE (NAME OF FIRST PARTY ON EACH SIDE ONLY) William Sanchez - vs - Department of Correction

2. CATEGORY IN WHICH THE CASE BELONGS BASED UPON THE NUMBERED NATURE OF SUIT CODE LISTED ON THE CIVIL COVER SHEET. (SEE LOCAL RULE 40.1(A)(1)).

— I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.

— II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950.

*Also complete AO 120 or AO 121 for patent, trademark or copyright cases

— III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.

X IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.

— V. 150, 152, 153.

3. TITLE AND NUMBER, IF ANY, OF RELATED CASES. (SEE LOCAL RULE 40.1(G)). IF MORE THAN ONE PRIOR RELATED CASE HAS BEEN FILED IN THIS DISTRICT PLEASE INDICATE THE TITLE AND NUMBER OF THE FIRST FILED CASE IN THIS COURT.

42. U.S.C.A. 2254

4. HAS A PRIOR ACTION BETWEEN THE SAME PARTIES AND BASED ON THE SAME CLAIM EVER BEEN FILED IN THIS COURT?

YES

NO

5. DOES THE COMPLAINT IN THIS CASE QUESTION THE CONSTITUTIONALITY OF AN ACT OF CONGRESS AFFECTING THE PUBLIC INTEREST? (SEE 28 USC §2403)

YES

NO

IF SO, IS THE U.S.A. OR AN OFFICER, AGENT OR EMPLOYEE OF THE U.S. A PARTY?

YES

NO

6. IS THIS CASE REQUIRED TO BE HEARD AND DETERMINED BY A DISTRICT COURT OF THREE JUDGES PURSUANT TO TITLE 28 USC §2284?

YES

NO

7. DO ALL OF THE PARTIES IN THIS ACTION, EXCLUDING GOVERNMENTAL AGENCIES OF THE UNITED STATES AND THE COMMONWEALTH OF MASSACHUSETTS ("GOVERNMENTAL AGENCIES"), RESIDING IN MASSACHUSETTS RESIDE IN THE SAME DIVISION? - (SEE LOCAL RULE 40.1(D)).

YES

NO

A. IF YES, IN WHICH DIVISION DO ALL OF THE NON-GOVERNMENTAL PARTIES RESIDE?

EASTERN DIVISION

CENTRAL DIVISION

WESTERN DIVISION

B. IF NO, IN WHICH DIVISION DO THE MAJORITY OF THE PLAINTIFFS OR THE ONLY PARTIES, EXCLUDING GOVERNMENTAL AGENCIES, RESIDING IN MASSACHUSETTS RESIDE?

EASTERN DIVISION

CENTRAL DIVISION

WESTERN DIVISION

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME

ADDRESS

TELEPHONE NO.

(Cover sheet local.wpd - 11/27/00)

UNITED STATES DISTRICT COURT

First Circuit

District of

MassachusettsJuan Villar-Sanchez
PlaintiffAPPLICATION TO PROCEED
WITHOUT PREPAYMENT OF
FEES AND AFFIDAVITv.
Department of Correction,
Commonwealth of Massachusetts
Defendant

CASE NUMBER:

I, Juan Villar-Sanchez declare that I am the (check appropriate box)
☒ petitioner/plaintiff/movant ☐ other

in the above-entitled proceeding; that in support of my request to proceed without prepayment of fees or costs under 28 USC §1915 I declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief sought in the complaint/petition/motion.

In support of this application, I answer the following questions under penalty of perjury:

1. Are you currently incarcerated?
- ☒
- Yes
- ☐
- No (If "No," go to Part 2)

If "Yes," state the place of your incarceration Plymouth County Correctional FacilityAre you employed at the institution? Yes Do you receive any payment from the No

Attach a ledger sheet from the institution(s) of your incarceration showing at least the past six months' transactions.

2. Are you currently employed?
- ☐
- Yes
- ☒
- No

a. If the answer is "Yes," state the amount of your take-home salary or wages and pay period and give the name and address of your employer.

b. If the answer is "No," state the date of your last employment, the amount of your take-home salary or wages and pay period and the name and address of your last employer. - 2001

3. In the past 12 twelve months have you received any money from any of the following sources?

- | | | |
|---|------------------------------|--|
| a. Business, profession or other self-employment | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| b. Rent payments, interest or dividends | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| c. Pensions, annuities or life insurance payments | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| d. Disability or workers compensation payments | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| e. Gifts or inheritances | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| f. Any other sources | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If the answer to any of the above is "Yes," describe, on the following page, each source of money and state the amount received and what you expect you will continue to receive

CERTIFICATE OF SERVICE

I, Juan Villar Sanchez, hereby certify that I have this day
served the foregoing Motion for 2254 to the
First Circuit Court

by mailing, first class, postage pre-paid, copies of same to

United States Courthouse on the Courthouse
Way in Boston

Dated: 8-6-04

Juan Villar Sanchez
Pro Se

cc/ U.S.D.C. Rm 2300
Pers. Fil.

TESTIMONIO 8-11-05

APPEAL COURT

04 - P - 1245

- ① SIN CERAMENTE A LOS QUE DICTARON el MEMORANDUM 04 - P - 1245 . LA COMMONWEALTH . MASSACHUSETTS . NO EXISTE ABSOLUTAMENTE NINGUNA PRUEBA CONTUNDENTE a si a mi PERSONA JUAN VILLAR SANCHEZ . Todo lo que estoy declarand y escribiendo en ESPAÑOL - porque NO SE escribir en ENGLISH . Todo lo que está en el MEMORANDUM . NADA , lo puede probar . Todo es UN CASO FABRICADO . ellos pueden escribir todo en esos PAPELES porque el papel lo - aguanta . Todo es MENTIRA en ese MEMORANDUM 04 - P - 1245 .
- ② El SISTEMA está cometiendo UN GRAVE ERROR EN TENER UNA PERSONA INOCENTE . CON UNA SENTENCIA de 10 AÑOS MANDATORIOS . SIN COMETER NINGUN DELITO . (INOCENTE)
- ③ PRIMERAMENTE LA COMMONWEALTH . ASEGURO , QUE ERAN 62 GRAMOS de COCAINA VENDIDOS en el Apt. 214 HIGH ST. 2^{do} piso LAWRENCE . y NO 28 gramos .
- ④ LA Autoridad - y STATE POLICE JOSÉ ALEJANDRO . NO HAY NADA

(2)

EXACTO. O SEA. el 21 diciembre 1999.
LA COMMONWEALTH, Junto con los State
Police José ALEXANDRO, y BRIAN O'Neil.

NO HAY NINGUNA PRUEBA de LA VENTA —
SUPUESTA de 62 gramos de COCAÍNA. Vendida
el día 21 diciembre 1999. en el Apt. 214 HIGH

PERO José ALEXANDRO, NO puede explicar LE
A LA CORTE, NI STATE POLICE. estos requisitos.

① José ALEXANDRO. NO TIENE EXACTAMENTE
NINGUNA CLASE de PRUEBAS del 21 dic 1999.
VEAMOS.

① José ALEXANDRO. NO TIENE TESTIGO de ese
día 21 dic 1999. 214 HIGH ST. 2^{da} piso. de LA
VENTA de 62 gramos COCAÍNA.

② José - NO TIENE NINGUN DOCUMENTO de LA
CORTE AUTORIZADO PARA COMPRAR los
62 gramos COCAÍNA.

③ José A. NO TIENE NINGUN RECIBO de
DINERO. NI MARCADO, NI REGULAR.

④ José A. TAMPO SABE LA CANTIDAD de
DINERO que llevo ese día 21 dic 1999.
PARA COMPRAR los 62 gramos COCAÍNA.
(sigue)

(3)

(5)

JOSE A. NO SABE TAMPOCO DECIR A CORTE. QUIEN LE DIO ESE DINERO PARA COMPRAR DICHA DROGA. ESAS EVENTOS. LA CORTE NUNCA LO A INVESTIGADO - ESA CORRUPCIÓN DE LOS STATE POLICE.

(6) IGUALMENTE SE APLICA AL STATE POLICE. BRIAN ONIL - EN SUS 3 MESES DE CHEQUEO. NO PUEDE DEMOSTRAR A LA CORTE HECHOS VERIDICOS. IGUALMENTE, JOSE A. SON ELLOS HABLAN CON LA BOCA. TODO ES MENTIRA CONTRA MI PERSONA - JUAN VILLAN SANCHEZ

(7) BRIAN ONIL - VEAMOS
3 MESES CHEQUEO.

(8) EN ESOS 3 MESES DE CHEQUEO, EL STATE POLICE. BRIAN ONIL - NO TIENE ABSOLUTAMENTE NADA.

(9) NO TIENE NINGUN DOCUMENTO QUE LO AGREDITE LEGALMENTE O OFICIALMENTE QUE BRIAN ONIL ERA EN CARGO DE ESA INVESTIGACIÓN EN LAWREN APT. 214 HIGH ST. 2º PISO.

- (10) Tampoco BRIAN Oñil. Tiene días de NINGUNAS de las personas, que entraban o salían del Apt. 214 HIGH ST. 2^{da} piso.
- (11) Tampoco TIENE donde visitaba el Juan y los amigos que frecuentaba y LAS CASA que visitaba JUAN. BRIAN Oñil. es otro MENTIROSO.
- (12) Tampoco BRIAN Oñil. NO sabe decir a la corte. de donde sacó el dinero para comprar las 62 gramos de COCAINA. ESTAS COSAS CORRUPTAS ay que PONER LAS EN ORDEN. O ELLOS SIGUIRAN poniendo PERSONAS INOCENTE en LA CARCEL.
- (13) BRIAN Oñil. NO TIENE NINGUNA prueba que yo Juan Villal Sanchez. MANEJABA el CARRO Luján 1997.
- (14) BRIAN - NUNCA PARO ESE CARRO. PARA SABER, quien Andaba Goñando.
- (15) NO TIENE FOTOS de ESE CARRO
- (16) NO TIENE Videos.
- (17) y en ESE CARRO chevrolet 1997. NUNCA SE VENDIO DROGA. O SEA NO HUBO NINGUN DELITO en ESE CARRO.

(18) PARA que el DÍEY - A B S I U A M E N T E
LLEVARE LA MATRÍCULA de PRUEBAS
A LA CORTE - ESAS PRUEBAS
FABRICADAS - AY QUE TENER
CONSIDERACIÓN y HONESTIDAD.
PARA PABAR ESAS CORRUPCIÓN -

(19) BRIAN Oney - no tiene ningún DOCUMENTO
AUTORIZADO por STATE POLICE - DONDE
AUTORIZA BUSCAR AYUDA - EN OTRA
JURISDICCIÓN - DONDE el STATE
POLICE JOSÉ ALEXANDRO TRABAJA
8 HORAS.

(20) NO HAY DOCUMENTOS - TAMPOCO -
SEÑALA el DÍA, QUE BUSCO A -
JOSÉ ALEXANDRO - NI TAMPOCO
BRIAN Oney - NI JOSÉ ALEXANDRO
PUEDEN DEMOSTRAR (A LA CORTE

(21) NINGUN poder de ESOS -
ACONTECIMIENTOS - SR: CLERK
HAY QUE HACER JUSTICIA ESTO
NO ES JUEGO - YO JUAN VILLAN SANCH
ESTOY SOLO EN ESTE PAÍS - NECESITO
AYUDA PARA RESOLVER MI CASO
(FABRICADO).

(22) JOSÉ ALEXANDRO - en su testimonio
dijo que el día 21 de dic 1999, el día de
LA VENTA de 62 gramos. Él aseguró
que HABÍAN 2 PERSONAS HISPANAS en
LA VENTA del 214 HIGH ST. 2^{do} piso

(23) ESAS PERSONAS, JOSÉ ALEXANDRO
LA siguió el mismo día 21 de dic 1999.
HASTA LA CALLE PROSPER ST. y
al otro día 22 de dic 1999. Él dijo
el CARRO MARCA MAZDA BLANCO
y TESTIFICA que era LA MISMA PERSONA
QUE ESTABA en el Apt. 214 HIGH ST. en
LA VENTA de 62 gramos COCAÍNA.

(24) ESAS 2 PERSONAS HISPANAS, SR.
CLERK. NUNCA APARECIERON en
CORTÉ. NI TAMPOCO CALLE RÖN PRESO.
TAMPOCO el CARRO. Todo eso MISTERIOSO
puesto en el Reporte policial -

(25) LA COMMON WEALTH. NUNCA A
HECHO NADA PARA AGRAAR esas
FALCERDAS 'dichas por state police
JOSÉ ALEXANDRO. (IGUAL que todo)

(7)

- (26) BRIAN ONIL - nunca le mostro a la corte - el papel con los números telefónicos y Bee Koa - de el > R - (JUAN) A LA CORTE.
- (27) igualmente José Alejandro - no sabe día que lo llamo Brian Onil
- (28) Sr. CLERK - ESTE CASO TIENE QUE IR LEJOS - VAMOS A INVESTIGAR TODAS ESAS IRREGULARIDADES - PARA ASI ASER UN PROCESO LEGAL EN ESTE CASO (FABRICADO)
- (29) Sr. CLERK: el 21 dic 1999. A mi persona, nadie me sacó ni entrar el día de la vent 1a 21 dic 1999. en el Apt. 214 HIGH - lo AFIRMO JUAN VILLAN SANCHEZ.
- (30) José A. Escribió en el Reporte policial - que el Hablaba por telefon. con (JUAN) siempre -
- (31) NO HAY NINGUN - CASSETTE grabado - donde José Habla con (JUAN)

(8)

(32) como la COMMONWEALTH puede ACEPTAR solo con PALABRAS. puestas en un PAPER. y la CORTE NO EXIGIR LAS EVIDENCIAS CON CRETAS VERDADERAS como se exige en un Juicio legal y ASI CONDENARME a 10 AÑOS MANDATORIO

(33) TAMBIEN VAMOS AL DIA 3 Enero 2000: JOSE ALEXANDRO, llama por telefono a (JOAN) -

(34) Tampoco Hay pruebas de ese dia 3 Enero 2000. NO CASSETTE - (NADA) TAMPOCO TESTES.

(35) EL DIA 4 ENERO 2000. VOLVEMOS y JOSE ALEXANDRO dice que hablo con (JOAN)

(36) Tampoco ese dia no Hay pruebas que halla hablado con mi persona. no EXISTE NADA. 4 Enero 2000

(37) Sr: Juez. Lo que HACERON LA VENTA de 125 gramos COCAINA el 4 Enero 2000.

sigue

(9)

(38) Son German Reyes. JUAN HERNANDEZ:

JUAN HERNANDEZ. TENIA CELULAR y BELPER. y se fizo inmediata importe de la corte, con la suma de \$10,000. ~~xx~~ 'DOLLARS.

(39) GERMAN Reyes y JUAN HERNANDEZ

NUNCA hicieron ningun statement ACUSANDO A MI persona - JUAN VILLAN SANCHEZ.

(40) Yo JUAN VILLAN SANCHEZ. en MI ARRESTO. NO TENIA telefono celular. y fue un ARRESTO Ilegal

ESTO A llegado a mi. persona UNA PERSECUCION RACISTA SIN ESCRUPULOS. Todo fue fabricado. PARA poner otro W4s en la lista. yo estoy dando este Testimonio y que lo RECIBA LA PERSONAS ADECUADAS. PARA que INVESTIGUE bien este caso. CORRUPTO

(10)

MI MAS ANHELO - QUE SE HAGA
JUSTICIA CLARA - PARA MI PERSONA
JUAN VILLAN SANCHEZ - SEA PUESTO EN LIBERTAD

TENGO 5 años y 7 meses preso
SIN NINGUN PROBLEMA EN LA CARCEL -

INVESTIGUEN Y SE DARA CUENTA
POR TODO LO QUE ESTA ESCRITO
EN ESTOS PAPELES - ES LA VERDAD.

GRACIAS -

JUAN VILLAN SANCHEZ

8-11-05

United States District Court		District <u>in Massachusetts (Pima Co)</u>
Name <u>Juan Villar-Sanchez</u>	Prisoner No.	Case No.
Place of Confinement <u>Plymouth County Correctional Facility</u> <u>86 Long Ford Road</u> <u>Plymouth, Ma 02360 - Held as State Inmate</u>		
Name of Petitioner (include name under which convicted) <u>Juan Villar-Sanchez</u> <u>D. Sum. U.S. Court</u>		Name of Respondent (authorized person having custody of petitioner) <u>Dep't of Corrections</u> <u>Commissioner K. Deanehy</u>
The Attorney General of the State of: <u>Massachusetts</u>		

PETITION

- Name and location of court which entered the judgment of conviction under attack Cover Superior Court.
- Date of judgment of conviction April 4th, 2002
- Length of sentence 10-10 1 day - 1- Court 2 5 - 5 1 Day concurrent
total 10 years
- Nature of offense involved (all counts)
Possession of a Controlled Substance
Trafficking in a Controlled Substance
- What was your plea? (Check one)
 - Not guilty ☒
 - Guilty ☐
 - Nolo contendere ☐

If you entered a guilty plea to one count or indictment, and not a guilty plea to another count or indictment, give details:
No plea was entered
- If you pleaded not guilty, what kind of trial did you have? (Check one)
 - Jury ☐
 - Judge only ☒
- Did you testify at the trial?
Yes ☐ No ☒
- Did you appeal from the judgment of conviction?
Yes ☐ No ☒

AO 241 (Rev. 5/85)

9. If you did appeal, answer the following:

(a) Name of court Mass Appeals Court(b) Result Affirmed(c) Date of result and citation, if known August 3, 2005(d) Grounds raised Identification, Cross-Racial Identification,

(e) If you sought further review of the decision on appeal by a higher state court, please answer the following:

(1) Name of court None

(2) Result _____

(3) Date of result and citation, if known _____

(4) Grounds raised _____

(f) If you filed a petition for certiorari in the United States Supreme Court, please answer the following with respect to each direct appeal:

(1) Name of court None

(2) Result _____

(3) Date of result and citation, if known _____

(4) Grounds raised _____

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any court, state or federal?

Yes ☐No ☒

11. If your answer to 10 was "yes," give the following information:

(a) (1) Name of court None

(2) Nature of proceeding _____

(3) Grounds raised _____

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ☐

No ☒

(5) Result None

(6) Date of result _____

(b) As to any second petition, application or motion give the same information:

(1) Name of court None

(2) Nature of proceeding _____

(3) Grounds raised _____

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ☐

No ☒

(5) Result None

(6) Date of result _____

(c) Did you appeal to the highest state court having jurisdiction the result of action taken on any petition, application or motion?

(1) First petition, etc.

Yes ☐

No ☒

(2) Second petition, etc.

Yes ☐

No ☒

(d) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:

Counsel never followed up on appeal Rule 28 was Debated
But never brought forward, petitioners records were prepared
but no action taken to date -

12. State concisely every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting the same.

Caution: In order to proceed in the federal court, you must ordinarily first exhaust your available state court remedies as to each ground on which you request action by the federal court. If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

For your information, the following is a list of the most frequently raised grounds for relief in habeas corpus proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds which you may have other than those listed if you have exhausted your state court remedies with respect to them. However, you should raise in this petition all available grounds (relating to this conviction) on which you base your allegations that you are being held in custody unlawfully.

Do not check any of these listed grounds. If you select one or more of these grounds for relief, you must allege facts. The petition will be returned to you if you merely check (a) through (j) or any one of these grounds.

- (a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily with understanding of the nature of the charge and the consequences of the plea.
- (b) Conviction obtained by use of coerced confession.
- (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (e) Conviction obtained by a violation of the privilege against self-incrimination.
- (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (g) Conviction obtained by a violation of the protection against double jeopardy.
- (h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- (i) Denial of effective assistance of counsel.
- (h) Denial of right of appeal.

A. Ground one: Conviction obtained as a joint venture tactic, against defendant

Supporting FACTS (state briefly without citing cases or law) The petitioner was charged as a joint matter between local and state police with regard to a possible conspiracy violation. The petitioner of anything as supported acted as a go-between in the case at hand, wherefore his conviction respectfully of 10 and 5 years where excessive.

B. Ground two: Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure, and identification

Supporting FACTS (state briefly without citing cases or law) The application for the warrant was baseless and was not corroborated by any physical evidence or credible informants. Whereas the entire case became a fruit of a poisonous tree matter, as per *United States vs. Wong*, the matter became a one way investigation. The basis for the application to violate smart domain was vague and only set forth ambiguous facts in the matter at hand.

C. Ground three: Conviction obtained without proper defense, therefore supporting the ineffective assistance claim

Supporting FACTS (state briefly without citing cases or law) The petitioner has several motions filed during the case - that are still currently outstanding - the attorney just always stated to either sign papers as follows his way. Defendant needed an interpreter, but aside from that original counsel left mid-way - a plausible defense was never set forth or zealously argued. Counsel neglected the Canons of Ethics numerous times.

D. Ground four: Conviction obtained in violation of proper identification procedure

Supporting FACTS (state briefly without citing cases or law) The officer seized a business not stipulated to be seized in warrant, tried to dupe the petitioner, by using illegally seized item to gain a positive identification while the petitioner was eating at a local restaurant. The officers ran them the place comparing faces to the illegally seized document. This prejudicing the defendant.

13. If any of the grounds listed in 12A, B, C, and D were not previously presented in any other court, state or federal, state briefly what grounds were not so presented, and give your reasons for not presenting them: None currently,

But Reserved

14. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack?

Yes ☐

No ☒

15. Give the name and address, if known, of each attorney who represented you in the following stages of judgment attacked herein:

(a) At preliminary hearing

Ronald J. Lanta, Esquire

(b) At arraignment and plea

Lawrence J. McGuire, Attorney at Law

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(c) At trial

Laurence J. McGuire

(d) At sentencing

Laurence J. McGuire

(e) On appeal

Laurence J. McGuire

(f) In any post-conviction proceeding

None

(g) On appeal from any adverse ruling in a post-conviction proceeding

Laurence J. McGuire
on Rule 28 Petition

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and the same time?

Yes ☒No ☐

17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes ☐No ☒

(a) If so, give name and location of court which imposed sentence to be served in the future:

None

(b) Give date and length of the above sentence:

None

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

Yes ☐No ☒

Wherefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.

[Signature]

Signature of Attorney (if any)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

8-6-04
(date)[Signature]
Signature of Petitioner
[Signature]